

Quid Novi

Vol. X, No. 3

McGILL UNIVERSITY FACULTY OF LAW
UNIVERSITE MCGILL FACULTE DE DROIT

September 20, 1989
le septembre 20 1989

MONDO ARTI

by Darcy Edgar, LL.B. II

Here we are all again strangers and friends, gathered to study law. As we've all often heard, there is nothing quite like law school. There is no escaping the disrupting relentlessness of the type of work that we must do here to make it through. Meanwhile, one of the loveliest and most various cities in the world lies literally at our feet, ignored for all but a few purloined and guilty moments. The arts component of the *Quid* forms a reminder of that larger world of positive, blessed events outside this school, a world we all once lived in and will again before long.

A brief account of things we can look forward to missing (or stealing away to see), this fall might be appropriate here. For music and dance lovers, this fall provides a plethora of opportunities. The Festival international de nouvelle danse from 19 September to 1 October provides performances by twenty-one companies from around the world. Tickets for single performances run about \$15 -call 522-1245 for more info. Best bets for the dance festival include local companies O Vertigo Danse and Fondation Jean-Pierre Perreault. For the more adventuresome, there will be a trio of extraordinary performances from Japan (Muteki Sha, Kazuo Ohno and Compagnie Karas).

Also for the leading edge, the Festival international de musique actuelle de Victoriaville offers inspired reasons for leaving town for the weekend 5 to 9 October. Twenty-six concerts by avant-garde groups from around the world offer not-to-be-missed (or maybe even believed) performances by artists such as the Shuffle Demons, Negativland, Lounge Lizards, Oh Moscow and Keep the Dog. Call (819) 752-7912 for more info.

There are of course the regular overpriced but worthy concerts at Place des

arts, which are so well-publicized there is no point in mentioning them here, except for maybe Gounod's Faust, the first opera of the season. If you've never heard of Gounod, consider this: Faust was so fine compared to Gounod's other work that contemporary critics whispered that he didn't even write it at all, but had paid some unknown genius to write it for him. Tickets are a squillion dollars at Place des arts. Cheaper but nice, on October 14: Beethoven's complete piano trios, Part I, at McGill's own Redpath Hall (price \$10 or \$12, tel.

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KEEPING AN EYE ON MOSCOW

By Brian Shiller, LLB IV

Winston Churchill once called the USSR "an enigma wrapped in mystery". While Churchill found the first communist country to be complex, he was well aware of the fact that the actions of post-war USSR would have a profound effect on the entire world. What he did not know was that words such as glasnost (openness) and perestroika (restructuring) would emerge in the 1980's. The USSR is now attempting to reform a repressive political system and a rapidly failing economy. Under the leadership of

Mikhail Gorbachev, the reform process has been all-encompassing and issues never before discussed are being raised and debated on the streets, in the press and in the various branches of government.

The purpose of this column is to evaluate what impact the reforms have had and will have on the Soviet legal system. As Soviet citizens in the various Republics continue to test the extent of their new freedoms, the Soviet government has had to evaluate and reevaluate

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ANNOUNCEMENTS

CAREERS

Professor Jutras, Associate Dean for Admissions and Placement, has set up the placement office (room 14A), a resource center containing valuable information on legal employers (law firms, corporations, government organizations, Appeal courts, public interest groups, etc.) Professor Jutras, Suzanne Roy-Gasperec, Admissions and Placement Officer and Frank Picciola (LLB IV) will be available to enable students to gain access to the office and to assist them in their search for information. A cette fin, ces personnes seront disponibles tout au cours de l'année et Frank Picciola sera dans le bureaux aux heures suivantes:

Mardi 9:00 - 12:00

Mercredi 9:00 - 10:00 et 12:00-13:00

Note to Careers Committee Members:
Meeting Wednesday Sept. 20, 12 pm,
room 203.

McGill Legal Aid Clinic Clinique d'aide juridique de McGill

Legal Aid volunteers who are interested in the Student Advocacy Program should attend the meeting on Wednesday, September 20 in room 203 at 1:00 pm. Interested participants from past years should also attend.

Meeting: Lawyers for Social Responsibility

Il existe un "réseau d'actions urgentes" où on organise des campagnes de protestation (envoi de lettres ou télex)

afin de répondre aux cas particuliers d'enlèvement, emprisonnement arbitraire et torture toujours pratiqués dans quelques pays en Amérique centrale, notamment le Guatemala et le Salvador. On peut par exemple citer le cas des étudiants enlevés récemment par les forces de l'ordre guatémaltèque et dont on ne connaît toujours pas le sort.

Peter Golden will talk about the urgent action network set up to deal with cases of disappearance, arbitrary arrest and torture in Central America, notably in Guatemala and El Salvador. We will also be discussing the various projects we have planned for the upcoming year. Hope to see you.

Yearbook update

Due to circumstances wholly beyond the control of this year's editor, last year's yearbook will only be ready in late October. Anyone who is interested in working on this year's yearbook (which will be ready on schedule, of course!) is asked to leave their name and telephone number in the Yearbook box in the LSA office.

Thanks. Bram Freedman, editor.

WELCOME

Professor Yoshio Ohara of the Faculty of Law of the University of Kobe arrived this weekend. He will be with us for the term teaching a research seminar on Japanese International Trade Law.

Professor Ohara specialises in trade law issues and has written extensively on competition law and extraterritoriality.

He is, at least temporarily, lodged in Room 212 at 3674 Peel (ext. 5095) and looks forward to meeting other members of the Faculty and will be happy to exchange ideas on the different approaches to law in Japan and Canada. Like Canada, Japan has drawn heavily both upon the Civil and the Common laws in developing its legal institutions. I hope that you will join me in welcoming Professor Ohara.

Used book sale/Vente de livres usagés

All monies and unsold books may be claimed from the LSA office before Friday. Tout ce qui n'est pas réclamé sera donné ou détruit.

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DEAN'S ADDRESS

(Excerpts from the speech given to the first year class of 1989 on September 2nd)

Today begins what is likely to be for most of you a lifelong association with the law. Law is a profession, of course, but it is also a perspective on the world, almost a state of mind really - and as such not something from which one easily retires. Today is therefore an important day, with an element of stress, being somewhere between the first day on a new job and one's wedding. You approached it, I am sure, with a sense of excitement but also a degree of apprehension, all of which is perfectly natural.

As you must suspect, during the term, we do not have meetings like this every morning before class. Law school is more formal than college but there are limits. The Dean, therefore, rarely has the opportunity to speak to a whole class and to describe what is distinctive about this faculty, where it comes from, where

it is going and what are its present ideals. In fact, after today, students are generally too busy to listen to speeches by the Dean.

Une occasion comme celle-ci, donc, permet de faire le point, regarder devant et derrière soi et de se demander ce qui nous attend. I thought it appropriate to raise and answer three simple but basic questions.

I. Who are you, as a class?

II. Who are we, as a faculty?

III. In very general terms, what should you expect from the study of law? Or, to put it slightly differently, what will we be doing together in the next four years?

I. Who are you?

You are the class of 1992, or 1993, depending on the programme you have chosen to complete. You come from all

parts of Canada, from British Columbia to Newfoundland, and some of you are from the United States or abroad. But there is nothing new in this. You also come from extremely diverse academic or professional backgrounds. A substantial majority of you have already received a university education - indeed, several of you have successfully completed a graduate programme. Among many occupations represented in first year, there are now in this group, to mention only ten or twelve of you: two chartered accountants, two ex-legal secretaries, two former journalists, one physician, two stage-actors, two engineers. I don't know if you have ever met before as a group but if you did it must have been interesting.

IN FACT, AFTER TODAY, STUDENTS ARE GENERALLY TOO BUSY TO LISTEN TO SPEECHES BY THE DEAN.

Si je m'arrête à ceux d'entre vous qui nous viennent d'un cours collégial, je constate que collectivement ils ont une moyenne de 86% - ce qui, soit dit en passant, est bien supérieur à la moyenne qui était la mienne lorsque j'étais au collège.

You are also, you will be happy to know, in good shape. I will not list all the varsity sports in which you were active but let me mention for the record that one person here was on a national team, participated in the world championships and won a medal in the Commonwealth Games. Another was and remains the junior 100 meter champion in his country. I too used to run but slower.

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Hey You! Yeah, You!

The *Quid Novi* is looking for students who enjoy writing, either serious or humorous articles about life in the McGill Faculty of Law. We encourage submissions regarding events both within and outside the Faculty which raise topics of interest or concern to students and staff alike.

Conscient des intérêts extérieurs que nous avons tous, nous avons créé le poste de Rédactrice artistique tenu par Darcy Edgar. Les étudiants voulant remettre des articles sur les films, la danse, le théâtre, la musique, etc., sont priés de communiquer avec Darcy ou un autre rédacteur *Quidien*.

Il y aura une réunion d'info mercredi, le 20 septembre à midi dans le bureau de l'AED. (Remember that important date - Wednesday, the 20th of September.) Watch this space and the big, blue *Quid* door for further details!

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Mondo Arti... Cont'd from p.1

489-8713) sounds good.

Theatre is always a complete mystery to this writer. In fact, the *Quid* arts editor is desperately seeking theatre reviewers. If you are interested, please contact the editor. That notwithstanding, it seems that Cantata, a Black Theatre Workshop production, which runs through September 28 at the Saidye Bronfman Centre, is poised to become a hit. The press release says that it is about "a group of free slaves living off the coast of British Columbia", with "traditional" spirituals by Louise Rose. Anyway, tickets are \$15, box office telephone is 739-7944. Also promising is Journal de rêves by Mishima, which opens later this month and continues to 7 October at the Théâtre de la Veillée (call 845-4185 or 526-6582).

Which brings us to the visual arts, which are bustin' out all over this fall. The big event in Cent jours, a contemporary art event in a former tire factory at 2000 Notre-Dame est (corner of Papineau). Cheap day for students is Thursday, when admission is \$3. The exhibition is open Wednesday to Sunday from noon to 7 p.m. For those of you that are new to Montreal, this is the fourth time that Les cent jours d'art contemporain has been presented. The last three presentations took place in that wasteland area of empty stores in La Cité, admittedly a much handier location. Whether you give two hoots about contemporary art or not, it is always worth looking in to see Cent jours, as much for the people as for the stimulation/aggravation the exhibits provide. Twenty artists are represented. The exhibition continues through 3 December. (To be reviewed next week).

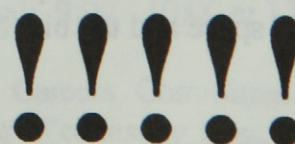
For those that cannot bear the idea of several hours spent happily wandering about an old tire factory amidst hundreds of doe-eyed jeunes filles dressed in black, there is the fantastic and indescribable Cités-Cinés, Hollywood and History

event at the Palais de la Civilization on Ile Notre Dame (Metro Ile Ste-Hélène). Be warned: weekends are impossible, the exhibition takes hours to view, and tickets are \$9.50 but worth every penny. Go on a weekday and indulge in every Hollywood fantasy you ever dreamt. Call 872-8181 for info. Best times to try are Monday, Wednesday or Thursday between 10 a.m. and 7:30 p.m. (Tuesday closed). Closes 15 October. (Reviewed this issue).

The Musée des beaux-arts de Montréal is dead in the water now that Shogun is closed, until 10 October when Patterson Ewan opens. Patterson Ewan is one of Canada's finest painters. He paints on plywood, using routers and brushes with equal energy to create rough, liquid surfaces. His work is sad, elegiac, and intensely beautiful. If you are in a gloomy mood in October (highly likely), take an unrequited love there and really get down.

For the more literal crowd, this is the Mois de la photo in Montreal. There are sixty-nine, yes, count 'em, sixty-nine photography exhibits around town. For information about events and exhibits, call 844-6993. If all of this is just too exhausting, try simply boycotting an art exhibit. How about the Artaluminum show at Maison Alcan for starters?

Well, thank god, there is no room left for any mention of films or books. However, your editor is very interested in meeting people who actually read books while in law school, lest we review one or two. Please contact me if there is a book you are burning to tell others about (please leave a note in the *Quid* box in the LSA office if interested). Alternately, if you are one of those persons who wears dark glasses to the cinema so that you can see three films in a row, please contact the *Quid*. We need you. Happy trails.



Cité-Cinés

by Maryse Beaulieu, BCL II

On en a dit beaucoup de bien cet été et je ne vais pas ce que je trouverais à y rajouter, sauf que cette exposition se termine le 15 octobre et qu'il reste peu de temps pour convaincre les incrédules que ce "mega-truc" vaut le déplacement.

On nous a répété maintes fois dans les médias que les casques d'écoute munis d'un système à infra-rouge étaient très efficaces, que la reconstitution d'un "diner" new-yorkais, d'un stationnement, d'une rame de métro valaient à eux seuls une visite. Mais ce sont là les lieux communs. Le grand prétexte de cet événement, c'est le cinéma.

Cités-Cinés me semble donc, a priori, un hommage au septième art. Il est d'ailleurs intéressant de constater que, lors de ma visite, mon attention ait été presque exclusivement orientée vers les écrans plutôt qu'à l'examen des différents décors qui, pourtant impressionnant. Ceci confirme la magie dont on nous parle si souvent en regard du cinéma. Effet si puissant qu'il réussit à effacer totalement ce qui nous entoure. Et j'ai ressenti ce vertige en plusieurs occasions, ce qui me fait d'emblée affirmer que le but fondamental de Cités-Cinés a été atteint.

Mentionnons la présence de 17 décors où sont regroupés par thème un certain nombre de films, qui au total dressent un bilan cinématographique imposant.

Malgré la courte durée des extraits proposés, l'atmosphère propre à chacune des oeuvres demeure. A plusieurs occasions, j'aurais secrètement désiré que l'un des films se poursuive. Bien sûr, ceux déjà vus par le spectateur-acteur

font ressurgir toute une palette d'émotions. Par contre, certains extraits de films, jusqu'alors sombrant dans la mémoire collective, nous donnent carrément envie de poursuivre l'expérience dans un cinéma de répertoire ou ailleurs. A cet effet, il est utile de garder en main le guide remis à l'entrée et ainsi, suivre pas à pas les sentiers proposés. Tous les genres y passent, des films d'action à la "Nouvelle Vague" et ce, sans trop de heurts. Bien sûr, l'on pourrait critiquer le choix de certains films par rapport à d'autres, mais Cités-Cinés ne se targue pas d'être un

reflet fidèle de l'histoire du cinéma, alors...

Il vous faudra approximativement trois heures pour apprécier le tout, un peu plus si vous mangez dans l'un des deux restaurants intégrés au décor, expérience que je vous conseille fortement.

A la sortie, un dernier regard nostalgique vous permettra d'embrasser l'ensemble d'un seul coup d'oeil. Et l'odeur de maïs soufflé s'évanouira lentement.

A voir absolument.

ARTICLE 128

First Aid.... Live Aid....Legal Aid

By Jay Spare, LLB III

Well, you know, you got your First Aid, that's something you really don't want to catch (but you just might if you have too much fun in Montreal). Then you got your Live Aid, that's where old, has-been rock'n rollers show you that they are still alive. But just what the hell is this Legal Aid? Or, should I say: "if it's just pro bono I don't want to know about it?"

The truth as I see it is that Legal Aid is a sort of modern rite of passage akin to slaying your first buffalo or getting your first automobile. Picture for a moment, if you will, a corporate boardroom, good ol' boys (and some good new girls), everyone is chatting lightly about their pro bono days, and suddenly a junior partner sheepishly notes that he never did time at a Clinic. Of course you can imagine the very pregnant pause, then the low murmuring, and finally the open ridicule —needless to say, no one would

drink scotch with that partner again. Just as everyone must go to law school, so too, must everyone do a little Legal Aid.

Doing this pro bono stuff is not actually good in itself, nor is it necessarily good for the parties involved. I will not argue the first point as it requires an epistemological, ontological and existential inquiry that I am incapable of. The second point is easy to prove, if you give bad information to a client whom you don't like, then it is obvious that no one has gained. Why do Legal Aid then? Well, as the great F. Le Tourneux once said: "just remember that behind every legal issue there is a human problem". This is the key to pro bono. One learns something that can not be taught, something that cannot be expressed in words; it has to do with the very fabric of law as a social entity.

Imagine for a moment a world without
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Keeping an eye... Cont'd from p. 1

perestroika and glasnost in the hopes of achieving a peaceful transition to reform. Glasnost has become a tool of the working class in their struggle to improve their quality of life. Much criticism has been directed at Gorbachev from both bureaucrats and workers alike. While the majority agree that glasnost is a positive step in the right direction, some argue that too much freedom too fast is counter-productive.

As we continue to evaluate our own legal system, perhaps it would be helpful to watch as the Soviet Union continues to propose and enact new legislation.

STRIKING COAL MINERS TEST SOVIET REFORM PROCESS

Coal miners in the city of Mezhdurechensk went on strike last month to protest against a lack of consumer goods and poor working conditions. This is just one of many strikes taking place all over the USSR. Historically, the USSR has had little experience dealing with such a form of protest. Previous attempts at work stoppage were met with force. Under the policy of glasnost, however, this tactic does not appear to be available to the authorities. Accordingly, the issue of whether there is a right to strike in the USSR is now being vigorously debated.

The right to work, coupled with the duty to work, is entrenched in the Soviet Constitution. There is no mention, however, of the right to strike. In fact, various articles have appeared in the Soviet press stating that because there is a duty to work, it logically follows that it is illegal to strike and that what is taking place in Mezhdurechensk is unconscionable. In spite of this fact, some lawyers have argued that because conflicts inevitably arise between the State and the workers, the right to strike must be permitted as a means through

The Accord War

by James Hughes, BCL II

This is the final article in a three part series on the Meech Lake Accord. The first examined the distinctiveness of Quebecois society. The second offered a compromise to the impasse over the Accord. The final part lists those who might be able to raise "the flag of compromise".

"The righteous shall rule the world". If this powerful credo is true, our leaders are many. The Meech Crusaders bear their standards ever higher in this Accord War, one in which each side wields the same swords: the fear of national disintegration.

On the one hand there is the Trudeauites proclaiming that the most efficient way

which labour problems may be resolved. One Soviet lawyer points out that because the USSR has ratified the International Pact on Economic, Social and Cultural Rights of Dec. 19, 1966 which includes a provision guaranteeing the right to strike in accordance with domestic legislation, that it is incumbent upon the Soviet State to amend the Soviet Constitution to include the right to strike. He argues further that, de facto, the right to strike exists under Soviet Law because "strikes have become a fact of our life".

It seems to me that the Soviets have no choice but to adopt legislation that will guarantee the right to strike. By guaranteeing this right, the State will be in a position where it can enact legislation to provide the appropriate guidelines for dispute resolution. Such legislation would regulate when the right to strike exists and would enumerate ways in which the dispute should be resolved before a work stoppage occurs.

The strike in Mezhdurechensk raises

of losing Quebec is to describe that province as a "distinct society" in constitutional ink. On the other hand, the Mulroney people warn that without Meech Lake, Quebec will suffer augmented alienation resulting in a downward spiral towards separation. This confrontation of national ideologies, whether or not a battle of the generations, is a ravine which is widening, fast. It is one which we must cross, either by building a bridge or leaping with faith.

One task the increasing polarity does perform is to legitimize moderate positions. Just as the bra burning of the 70's permitted moderate leaders in the women's movement to slip into posts of some influence, so the howls of a country

Cont'd on p. 8

many questions. How much freedom should the people have? What happens when they invoke their rights in such a way that the implementation of the reform process is undermined? Gorbachev has not explained how far his policy of glasnost will reach. While the strikes pose a threat to Gorbachev's reforms, he is reluctant to tell the workers that they must go back to work for fear of appearing to question his own policy of glasnost. It would seem that the strikes will be tolerated but it is not clear whether the right to strike will become a constitutionally guaranteed right.

ARTICLE 128...

Cont'd from p. 5

people. Such a world would not contain law as we know it. Our world does, however, contain people and no matter what you do you won't be able to escape them.

So don't be shy about doing pro bono work, it's good for the c.v..

Dean's Address..

Cont'd from p.3

All this to say that you are a very strong group. We chose you carefully but of course you must take credit for what you are. You should not worry about your future in this institution. Your presence here is the main reason for our existence and we are delighted to have found you.

II. Who are we?

We are the oldest university-affiliated law school in Canada, having been founded in 1853 - which was actually some ten years after formal lectures on law were first offered at McGill. Right from the start, the faculty had an eclectic curriculum, or as we would say today a natural inclination towards polyjurality. The positive law, the law as it is perceived by the local legal profession and the courts, was always taught here, but so were as early as 1853 Roman law, international law, French law and legal history. Fascinating topics, no doubt, but topics which would seem to have little or no prescriptive force in Québec. Or do they? A nice question and one which to this day you might find in one of your exams.

La carrière universitaire attire certains de nos diplômés mais la plupart se dirigent vers le Barreau et la pratique en cabinet privé ou dans la fonction publique. Plusieurs, et je vous parle ici de nos diplômés du premier cycle, exercent leur

I TOO USED TO RUN BUT SLOWER.

profession l'étranger, ailleurs en Amérique, en Europe ou même en Asie et en Océanie. Mais la majorité, évidemment, exerce au Canada. Partout au Canada. Il n'existe qu'une seule faculté de droit dont les diplômés sont présents en nombre appréciable partout au Canada et c'est celle-ci. La formation dispensée dans d'autres facultés peut être excellente - elle l'est souvent - mais aucune autre faculté canadienne ni, bien

sûr, étrangère, ne peut se flatter d'avoir formé en droit civil des avocats aujourd'hui inscrits au Barreaux de l'Alberta ou de la Nouvelle-Écosse, ou d'avoir formé en common law un nombre important des membres du Barreau du Québec. Le regard ici est tourné autant vers l'extérieur que vers l'intérieur. Comme vous le savez, c'est ce que nous appelons le Programme National. Il est bon d'en rappeler les mérites.

III. What should you expect from the study of law?

or

What will we be doing together?

Pervasiveness of Law. In a country like ours, with a past rooted in liberalism and a present pickled in social-democracy, law is extraordinarily pervasive. Practically no aspect of human life

A NICE QUESTION AND ONE WHICH TO THIS DAY YOU MIGHT FIND IN ONE OF YOUR EXAMS.

escapes its reach: Power, wealth, love, artistic merit and creation, scientific discovery, poverty, illness, extreme forms of social deviance, all these facets of human existence relate to legal specialities of one kind or another: constitutional and administrative law, taxation, corporations and securities, family law, intellectual property, social security law, medical law, criminal law, and so on ... The list is endless and the growth of rules is endemic. But it would be a mistake to confuse the study of law with the discovery of rules.

Importance of soft law. Indeed, you will soon be warned against the deceptive simplicity of explicit rules; you will be told to pay attention to what is known as implicit normativity, or soft law, or protocole. If some of you came here by bus this morning, being in the right state of mind and about to begin a new life in the law, you may have noticed that in this city when people wait for the bus they

naturally line up. What a fine form of spontaneous social ordering. Soft law that works. Free.

SOFT LAW THAT WORKS. FREE.

Rules. You will of course learn some rules. Such as the fact that no food is tolerated in the law library, or that parking is strictly forbidden in the faculty driveway. But rules are not really what matters. More important is the terminology you will be taught, mostly in your first year, and then the several different intellectual skills you will develop, such as analytical concentration, the ability to draw analogies between complex factual patterns, measured persuasiveness in the use of language, and also some clairvoyance in the autopsy of a balance sheet. In fact, learning what to do with rules, rather than learning the rules, is what a legal training is about. It is astounding how fast most of these rules evolve and the extent to which law happens where there is change. That may actually be why lawyers exist. If the rules never changed, anyone with the ability to read carefully and write impressively - some would say pompously - could do without lawyers.

New perspectives. Eventually, and in fact rather soon, you will have exercised your skills with enough different rules to look for something else, for a point of comparison between rules, for an external viewpoint on law. And you will then begin to see, in your first year but more so in upper years, what is the attraction of comparative law and of legal theory.

Is law contingent? Are there as many laws as there are traditions and cultures? Or is what matters about law universal, axiomatic, and shared though not yet perhaps discovered by all human beings? These questions are fundamental, inescapable, and always a matter of

Cont'd on p. 8

Dean's Address... Cont'd from p.7

sustained debate among lawyers and jurists. Before I finish, let me choose an illustration in the field of human rights. Je vais vous citer deux commentaires parus en France récemment et qui à mon avis campent de façon très nette les positions de fond dans la controverse aujourd'hui incontournable sur les droits de la personne, ou les Droits de l'Homme comme on les appelait peut-être malencontreusement à l'époque. Le premier commentaire, je l'emprunte à la plume étincelant d'Alain Finkielkraut qui critique en 1987 le nationalisme et l'ethnocentrisme de l'idéologie anticoloniale. Il nous dit, d'abord, que deux idées de la nation se sont combattues dans la conscience européenne depuis 1789. L'idée mise de l'avant par les Lumières, postule l'égalité entre tous, la primauté et l'irréductibilité de la personne. L'idée mise de l'avant par le camp adverse, qui privilégie la culture, le groupe, la collectivité.

**IF THE RULES NEVER
CHANGED, ANYONE WITH THE
ABILITY TO READ CAREFULLY
AND WRITE IMPRESSIVELY -
SOME WOULD SAY POMPOUSLY
- COULD DO WITHOUT A
LAWYER.**

Finkielkraut écrit: " Si, avec une régularité sans faille, [l]es mouvements de libération ont secrété des régimes d'oppression, c'est parce qu'à l'exemple du romantisme politique, ils ont fondé les relations interhumaines sur le modèle mystique de la fusion, plutôt que sur celui - juridique - du contrat, et qu'ils ont pensé la liberté comme un attribut collectif, jamais comme une propriété individuelle."

Voilà qui est bien! Le droit, le contrat, charnières de nos libertés. Voici maintenant ce que nous dit en 1988 un vieux routier de la pensée occidentale,

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accelerating towards implosion make more attractive the idea of compromise.

So who is going to raise the flag of compromise, the banner of balance? Who will cross this gorge of constitutional discontent? Let me offer some suggestions:

1) The Liberal Party of Canada: With a convention on the way and a new leader waiting to be named, the opportunity for a bold initiative on language and Quebec is available. Such a political thrust might also prove to be the Liberals' route back to power.

2) Independent Quebec M.N.A.'s: A close provincial election in September coupled with seven or eight strong independent M.N.A.'s being sent to

Quebec City offers those Super Seven or Mighty Eight a powerful and attentive forum to preach balance.

3) Frank McKenna: The New Brunswick Premier seems to be a bright articulate, rational, and foresightful man. He is the picture of the strong peacemaker, a man able to bring armiers together. His is perhaps the ever-brightening star that we should follow.

These three flag bearers working separately but with the same mission are those to whom our attention should be turned. We know what to expect from the Meech Gladiators; these emerging players present us with reason for optimism. Let us urge them and their unifying views on. With the swords of national destruction flailing about fairly randomly right now, the pending arrival of a few enlightened doves is very welcome.

Quote of the week

Prof. Brierley in Successiojns lecturing on making babies for families:

"It's alot of fun ititially. It's alot less fun later on. Now.
How do you do that?... At the legal level..."

lui-même observateur de sociétés, Claude Lévi-Strauss. On lui demande pourquoi les idées de la Révolution française ont pu semer le désordre et la ruine au XXème siècle. Il répond: "Parce qu'on a mis dans la tête des gens que la société relevait de la pensée abstraite alors qu'elle est faite d'habitudes, d'usages, et qu'en broyant ceux-ci sous les meules de la raison, on pulvérise des genres de vies fondés sur une longue tradition, on réduit les individus à l'état d'atomes interchangeables et anaonymes. La liberté véritable ne peut avoir qu'un contenu concret: elle est faite d'équilibre entre des petites appartenances, des menue solidarités: ce contre quoi les idées théoriques qu'on proclame rationnelles s'acharnent; quand elles sont parvenues à leurs fins, il ne leur reste plus qu'à s'entre détruire. Nous observons aujourd'hui le résultat."

La pensée abstraite, l'idée centrale d'égalité, le droit moderne, en somme, relégués au banc des accusés. Un débat passionnant qui se déroule peut-être à la lisière du droit, mais dont on ne peut pas ignorer l'existence lorsqu'on se veut juriste. Un débat, donc, qui a aussi sa place ici même dans une faculté de droit.

Reason and tradition, the force of ideas and the weight of reality; these two powerful principles are constantly at work within the law and they constantly clash. You may not yet understand why. Soon you will. This and many other equally challenging issues, some technical and some not, are what you came here for and it is what we have to offer to you. It starts now.

Welcome and thank you.